



Control Number: 38743



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Electric Transmission Texas  
400 West 15<sup>th</sup> Street, Suite 800  
Austin, TX 78701-1677  
ETTexas.com

February 9, 2010

Steven D. Arnold  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78701-1649

RE: SOAH Docket No. 473-11-0945; PUCT Docket No. 38743, *Application of Electric Transmission Texas, LLC to Amend its Certificate of Convenience and Necessity for the Tesla to Edith Clarke to Clear Crossing to West Shackelford 345-kV CREZ Transmission Line in Childress, Cottle, Hardeman, Foard, Knox, Haskell, Jones and Shackelford Counties.*

Dear Judge Arnold,

Please find enclosed a fully executed copy of the Stipulation Concerning the Edith Clark to Clearing Crossing segment ("Stipulation") of Electric Transmission Texas, LLC's ("ETT") proposed CREZ transmission line in the matter referenced above. The Stipulation was entered in to evidence as ETT Exhibit No. 18. All parties affected by the Edith Clark to Clear Crossing segment have signed on to the Stipulation. Duane Johnson has authorized the undersigned to sign on his behalf. All of the parties' signed signature pages are included in the enclosed Stipulation. ETT will also file the Stipulation today at the Public Utility Commission of Texas.

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read "J. Huerta", is written over the printed name of Jerry N. Huerta.

Jerry N. Huerta  
Counsel for  
Electric Transmission Texas, LLC  
(512) 481-3323

JNH/

Enclosure

**SOAH DOCKET NO. 473-11-0945**  
**PUC DOCKET NO. 38743**

APPLICATION OF ELECTRIC	§	BEFORE THE STATE OFFICE
TRANSMISSION TEXAS, LLC TO	§	
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY FOR	§	
THE PROPOSED TESLA TO EDITH	§	
CLARKE TO CLEAR CROSSING TO	§	
WEST SHACKELFORD DOUBLE-	§	OF
CIRCUIT 345-KV TRANSMISSION	§	
LINE IN CHILDRESS, COTTLE,	§	
HARDEMAN, FOARD, KNOX,	§	
HASKELL, JONES, AND	§	
SHACKELFORD COUNTIES, TEXAS	§	
PURSUANT TO P.U.C. SUBST. R. 25.174	§	ADMINISTRATIVE HEARINGS

**STIPULATION CONCERNING THE**  
**EDITH CLARKE TO CLEAR CROSSING SEGMENT**

This Stipulation (Stipulation) is intended to represent the agreement among all the parties in this proceeding impacted by the routing of the proposed transmission line from the Edith Clarke Station to the Clear Crossing Station (the EC Segment) to support the Commission's selection of Electric Transmission Texas, LLC (ETT) preferred route EC12A for the EC Segment. This Stipulation is made and entered into by the following parties to this proceeding:

- ETT;
- Staff of the Public Utility Commission of Texas (Staff);
- Southwestern Public Service Company;
- Larry Hughston;
- Johnson Ranches and Duane Johnson;
- Jim Paul and Jean Norman;
- W.T. Waggoner Estate;
- Lyndle Reeves, Beverly Kinnibrugh, Lloyd D. Welch, and Wanda Ressel;
- Burnett Ranch Limited Partnership, Glenn and Idalou Cato, Larry and Cindy Thompson, Belle Burnett and Ben Grill, B. Tillman Burnett, and Clyde Burnett;
- Propps Farms LLC and Patricia Price;
- Nelson Farms Family Trust;
- Ronnie Chapman;
- John S. Rike III;
- Vernay Howard;

SOAH Docket No. 473-11-0945  
PUC Docket No. 38743

**ETT Exhibit No. 18**

- Larry Griffin; and
- Quail Land of Texas LLC and Billye L. West
- Gayle Newnam, Trustee, Tom & Hazel Campbell Family Bypass Trust

Collectively, the parties signing this Stipulation are referred to as the “Signatories.”

## **I. Background**

1. On October 20, 2010, ETT (Applicant) filed an application (Application) to amend its CCN to allow it to build, own, and operate a new double-circuit 345-kV CREZ transmission line in Childress, Cottle, Hardeman, Foard, Knox, Haskell, Jones, and Shackelford Counties, Texas.

2. The transmission line will consist of three segments, the Tesla to Edith Clarke Segment, the EC Segment, and the Clear Crossing to West Shackelford Segment.

3. Discussions between the Signatories have resulted in this Stipulation.

4. The Signatories desire to capture the benefits of the Stipulation, for which all Signatories express their support, and to resolve all issues regarding the EC Segment and, therefore, agree as follows:

## **II. Agreement**

5. The Signatories agree that the Commission should approve ETT’s preferred route EC12a, as presented in the Application. Route EC12A consists of links B2, B4, B5, B14, B20, B22, B22a, B23a, B30, B33, B41, B41a and B41c, which are described in the Application. A map depicting Route EC12A is attached as Attachment A.

6. The existing 138-kV line on Link B5 will be underbuilt on the same structures as the CREZ transmission line approved in this case on the property of Signatories Reeves, Kinnibrugh, Welch and Ressel as shown on Attachment B. The existing 138-kV line on Link B30 will be underbuilt on the same structures as the CREZ transmission line approved in this case on the property of Signatory Chapman as shown on Attachment C. The sections of the

existing 138-kV line will be removed after the 138-kV line underbuilt on the CREZ line structures is energized. ETT also agrees to undertake certain actions and responsibilities with regards to routing of Route EC12A, if approved by the Commission, on Link B22 on the Nelson Family Farms Trust property as addressed in Attachment D.

7. The Signatories request that the Commission approve and implement this Stipulation and, when the order is issued granting Applicant's requested amendment to its certificates of convenience and necessity (CCN) for the transmission line, that such order approves Route EC12A for the EC Segment and approves the underbuilding of sections of the existing 138-kV line on the CREZ line structures as provided for in this Stipulation.

### **III. Other Provisions**

8. This Stipulation is binding on each Signatory only for the purpose of settling the issues herein and for no other purpose. The Signatories acknowledge and agree that a Signatory's support of the matters contained in this Stipulation may differ from its position or testimony in dockets and cases not referenced in this Stipulation. To the extent that there is a difference, a Signatory does not waive its position in such other dockets and cases.

9. The Signatories have entered into this Stipulation in the interest and spirit of settlement and therefore agree that the provisions of the Stipulation shall be subject to final approval by the Commission. The Signatories, moreover, agree to entry of a final order of the Commission consistent with this Stipulation.

10. This Stipulation represents a compromise, settlement and accommodation among the Signatories, and all Signatories agree that the terms and conditions herein are interdependent and no Signatory shall be bound by a portion of this Stipulation outside the context of the Stipulation as a whole. If the Commission materially changes the terms of this Stipulation or

issues a final order inconsistent with a material term of this Stipulation, the Signatories agree that any Signatory adversely affected by that material alteration has the right to withdraw its consent to this Stipulation, thereby becoming released from its commitments and obligations arising hereunder and to proceed as otherwise permitted by law to exercise all rights available under law. Such a right to withdraw must be exercised by providing the other Signatories written notice within 20 calendar days of the date the Commission files its order acting on this Stipulation. Failure to provide such notice within the specified time period shall be deemed a waiver of the right to withdraw and, therefore, approval of any material changes to this Stipulation made by the Commission. The Signatories separately reserve the right to appeal in the event the Commission enters a final order that materially deviates from this Stipulation.

11. If any Signatory withdraws its consent from this Stipulation in accordance with the preceding paragraph and this matter proceeds to an evidentiary hearing, to the extent provided by Texas Rule of Evidence 408, oral and written statements made during settlement negotiations, including the terms of this Stipulation as it pertains to the withdrawing Signatory, shall not be admissible in evidence in such a hearing.

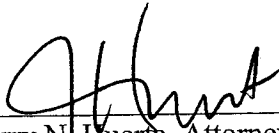
12. Nothing herein shall be construed as an admission by any party regarding the desirability of the transmission line or the Stipulation Route or the impact of the transmission line or the Stipulation Route on their property generally or its market value specifically. The route may be modified by agreement of ETT and affected landowners, in accordance with the ordering paragraphs in the Commission's order related to route modification.

13. Each person executing this Stipulation warrants that he or she is authorized to sign this Stipulation on behalf of the Signatory represented. Facsimile copies of signatures are

valid for purposes of evidencing such execution. The Signatories may sign individual signature pages to facilitate the circulation and filing of the original of this Stipulation.

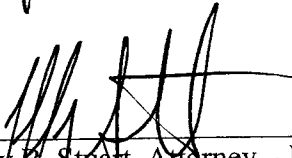
14. This Stipulation is effective and dated as of the date shown below.

Dated this 20<sup>th</sup> day of January, 2011.



---

Jerry N. Huerta, Attorney  
Electric Transmission Texas, LLC



---

Jeffrey B. Stuart, Attorney – Legal Division  
Public Utility Commission of Texas

SOAH DOCKET NO. 473-11-0945  
PUC DOCKET NO. 38743

ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Southwestern Electric Power Company supports the Stipulation.

*Paul M. Guinn / with permission*  
*PGH*

Paul M. Guinn  
State Bar No. 24012751  
Sr. Attorney  
Xcel Energy  
816 Congress Avenue, Suite 1650  
Austin, Texas 78701  
Paul.m.guinn@xcelenergy.com

*1 / 20 / 2011*  
Date

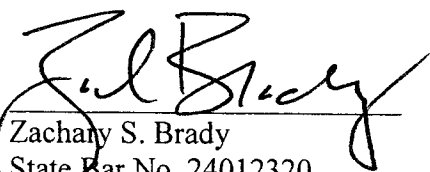
ATTORNEY FOR SOUTHWESTERN  
PUBLIC SERVICE COMPANY

SOAH DOCKET NO. 473-11-0945  
PUC DOCKET NO. 38743

ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, the Knox County intervenor group supports the Stipulation.

  
Zachary S. Brady  
State Bar No. 24012320

Amber Brady  
State Bar No. 24050320  
ZS BRADY & COMPANY  
3409 19th Street  
Lubbock, Texas 79410-1201

18 Jan 2010  
Date

ATTORNEYS FOR LYNDE REEVES,  
BEVERLY KINNIBRUGH, LLOYD D. WELCH,  
WANDA RESSELL, GLENN AND IDALOU CATO,  
LARRY AND CINDY THOMPSON,  
BELLE BURNETT AND BEN GRILL,  
BURNETT RANCH FAMILY PARTNERSHIP,  
B. TILLMAN BURNETT AND CLYDE BURNETT  
(COLLECTIVELY, KNOX COUNTY INTERVENORS)

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ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, the W.T. Waggoner Estate supports the Stipulation.

J. Todd Thomas  
J. Todd Thomas  
W.T. Waggoner Estate  
P.O. Box 2130  
Vernon, Texas 76385

January 20, 2011  
Date

SOAH DOCKET NO. 473-11-0945  
PUC DOCKET NO. 38743

ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Larry Hughston supports the Stipulation.

Julia F. Pendery  
Julia F. Pendery, Attorney at Law  
3030 LBJ Freeway, Suite 1630, LB 50  
Dallas, Texas 75234

1-19-11  
Date

ATTORNEY FOR LARRY HUGHSTON

SOAH DOCKET NO. 473-11-0945

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ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Tom & Hazel Campbell Family Bypass Trust supports the Stipulation.

Gayle L. Newnam  
Gayle Newnam, Trustee  
Tom & Hazel Campbell Family Bypass Trust  
P.O. Box 918  
Georgetown, Texas 78627



1-19-2011  
Date

SOAH DOCKET NO. 473-11-0945  
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**ELECTRIC TRANSMISSION TEXAS, LLC**

**STIPULATION CONCERNING THE**  
**EDITH CLARKE TO CLEAR CROSSING SEGMENT**

By signature below, Nelson Farms Family Trust supports the Stipulation.

Bobbie N. Wright, Trustee  
Nelson Farms Family Trust  
2011 Via Sevilla  
Carrollton, Texas 75006

1/20/2011  
Date

SOAH DOCKET NO. 473-11-0945  
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ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Johnson Ranches supports the Stipulation.

Duane Johnson with permission  
Duane Johnson  
Johnson Ranches  
3501 Hwy 70 W  
Crowell, Texas 79227

2/9/11  
Date

SOAH DOCKET NO. 473-11-0945  
PUC DOCKET NO. 38743

ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Ronnie Chapman supports the Stipulation.

Ronnie Chapman

Ronnie Chapman

9425 FM 266

Haskell, Texas 75921-9343

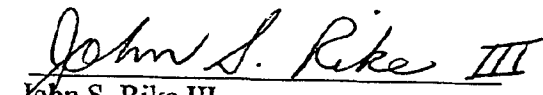
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SOAH DOCKET NO. 473-11-0945  
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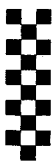
ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, John S. Rike III supports the Stipulation.

  
John S. Rike III  
8847 FM 2163  
Haskell, Texas 79521

Date 1/28/2011



**SOAH DOCKET NO. 473-11-0945**

**PUC DOCKET NO. 38743**

**ELECTRIC TRANSMISSION TEXAS, LLC**

**STIPULATION CONCERNING THE**  
**EDITH CLARKE TO CLEAR CROSSING SEGMENT**

By signature below, Vernay Howard supports the Stipulation.

*Vernay Howard*  
Vernay Howard  
5963 FM 600  
Haskell, Texas 79521-8441

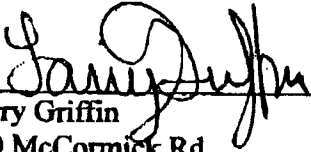
*1-28-2011*  
Date

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PUC DOCKET NO. 38743

ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Larry Griffin supports the Stipulation.

  
\_\_\_\_\_  
Larry Griffin  
500 McCormick Rd.  
Little Elm, Texas 75068

\_\_\_\_\_  
Date 1-18-2011

SOAH DOCKET NO. 473-11-0945  
PUC DOCKET NO. 38743

**ELECTRIC TRANSMISSION TEXAS, LLC**

**STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT**

By signature below, Propps Farm LLC supports the Stipulation.

Patricia M. Price

Patricia Price  
Propps Farm LLC  
7708 Pebblebrook Dr.  
Amarillo, Texas 79119

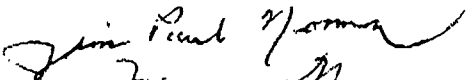
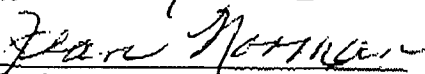
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SOAH DOCKET NO. 473-11-0945  
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ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Jim Paul and Jean Norman support the Stipulation.

  
  
Jim Paul and Jean Norman  
Box 441  
403 N. 4<sup>th</sup>  
Crowell, Texas 79227

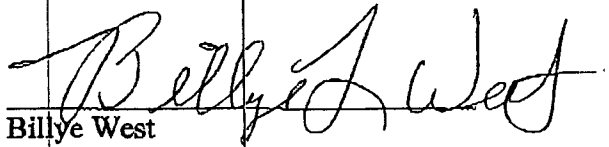
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ELECTRIC TRANSMISSION TEXAS, LLC

STIPULATION CONCERNING THE  
EDITH CLARKE TO CLEAR CROSSING SEGMENT

By signature below, Quail Land of Texas LLC supports the Stipulation.



Billye West  
Quail Land of Texas LLC  
P.O. Box 734  
Newberry, SC 29108

Date

1/19/11

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Electric Transmission Texas  
400 West 15<sup>th</sup> Street, Suite 800  
Austin, TX 78701-1677  
ETTexas.com

January 16, 2011

Bobbie Wright  
Rosann Owens  
Nelson Family Farms Trust  
2011 Via Sevilla  
Carrollton, Texas 75006

RE: PUCT Docket No. 38743, *Application of Electric Transmission Texas, LLC to Amend its Certificate of Convenience and Necessity for the Telsa to Edith Clarke to Clear Crossing to West Shackelford 345-kV CREZ Transmission Line in Childress, Cottle, Hardeman, Foard, Knox, Haskell, Jones and Shackelford Counties.*  
**Electric Transmission Texas, LLC-Nelson Farm Family Trust Agreement**

Dear Ms. Wright and Ms. Owens,

Pursuant to our discussion on January 14, 2011, Nelson Farms Family Trust ("Nelson Farms") has agreed to the routing of Electric Transmission Texas, LLC's ("ETT" or the "Company") transmission line from the Edith Clarke Switching Station to the Clear Crossing Switching Station ("EC Segment") on NFFT's property along the Preferred Route EC12A. The routing of ETT's line on the Nelson Farms property along Link B22 of Preferred Route EC12A is generally depicted on Attachment "A" to this letter agreement. In consideration of such agreement, ETT agrees to relocate at its own expense any water wells and/or sub-surface water lines that would be impacted by the routing of its transmission line across the Nelson Farms' property on Link B22 and will work with your tenant, Mr. Mark Reed on the structure placement and route alignment across the property. ETT also agrees to reasonably compensate the Nelson Farms for any crop damage directly caused by ETT's personnel during construction activities. Nelson Farms and ETT understand and further agree that their mutual agreements herein are contingent upon the Public Utility Commission of Texas ("Commission") approving the routing of ETT's EC Segment across the Nelson Farms property.

ETT and Nelson Farms agree to enter in a Settlement Agreement with the other EC Segment intervenors and Staff that resolves all EC Segment routing issues in this matter. This Settlement Agreement will be submitted to the Judge and filed with the Commission requesting approval of Preferred Route EC12A, as agreed to by the EC Segment parties in this matter.

*Electric Transmission Texas, LLC and  
Nelson Farms Family Trust Letter Agreement*

Please indicate your agreement that this letter accurately reflects our understanding as addressed above by providing Nelson Farms Family Trust's authorized representative's signature in the signature block below.



---

Electric Transmission Texas, LLC

AGREED:

Bobbie N. Wright  
Rosann N. Owens  
Joe G. Nelson

---

NELSON FARMS FAMILY TRUST

(Print authorized representative(s) names above)  
*Authorized Representative of  
Nelson Family Farms Trust*

Please accept the above for legal signatures.

*Electric Transmission Texas, LLC and  
Nelson Farms Family Trust Letter Agreement*

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